



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Teresa Mead et al.

Application No.: 10/813,877

Filed: March 30, 2004

For: INFANT RESTRAINT SYSTEMS  
AND METHODS

Customer No.: 20350

Confirmation No. 5757

Examiner: Joseph F. Edell

Technology Center/Art Unit: 3636

DECLARATION UNDER 37 C.F.R. 1.131

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We, Teresa Mead, Susan Ganter, Mike Pogue, Mary Young, Sheila Littlehorn,  
and Susan Matthews Brown each hereby declare and state as follows:

1. We, Teresa Mead, Susan Ganter, Mike Pogue, Mary Young, Sheila Littlehorn,  
and Susan Matthews Brown (hereinafter "the inventors"), are joint inventors of the subject matter  
recited in all pending claims of the above-entitled application.

2. All of the work described in this declaration was performed in the United  
States of America.

3. Prior to April 29, 2003, the publication date of U.S. Patent No. 6,553,590 to  
Jamie S. Leach, in the United States of America, the inventors reduced to practice the subject  
matter of the invention described in the pending claims of the above-entitled application.

4. Exhibit A, enclosed herewith, is a copy of a letter from Susan Brown  
indicating that on February 14, 2002 a prototype was presented to Babies R Us employees. The  
prototype was described as "a Boppy with a restraint to hold baby in place, and a retractable sun

shade." (see Exhibit A). We declare that the prototype presented at this February 14, 2002 meeting is a complete and accurate construction of the presently claimed invention.

5. Exhibits B and C are photographs of the prototype presented at the February 14, 2002 meeting. We declare that the photographs completely and accurately show the prototype presented at the February 14, 2002 meeting. We further declare that the prototype substantially represents all of the structural elements found in both the present claims and at least in Figs. 1-3 of the instant application. In particular, we declare that the claimed "inner well region" is defined by the padded section in a crescent-like shape surrounding the "baby" which is shown in the prototype. Furthermore, the "inner well region" is similarly shown as "inner well section 52" in Fig. 1 of the instant application. The instant application describes "inner well section 52" as being defined by the crescent shaped padded section 40 for receiving a baby (see Specification, page 5, paragraph 36). The Specification at page 6, paragraph 37 further indicates that "a baby may be placed in [the] seat [so] that the baby's torso rests in well section 52." Hence, the "baby" shown in Exhibits B & C is placed in the "inner well section" of the prototype in the photographs.

Further, we declare that the claimed element of "a pillow body having a medial region and two opposing curved arms extending from the medial region" is shown as the outer padded curved region around the "baby" in Exhibits B & C. Similarly, Fig. 1, for example, shows this element as "padded section 40" with "curved arms 44." We also declare that "the curved arms have rounded ends that are spaced apart from each other so as to generally face each other" in the present claims is shown in Exhibits B & C by the front part of the prototype next to the "baby's" knees. Fig. 1 of the instant application shows this element as "ends 48 and 50."

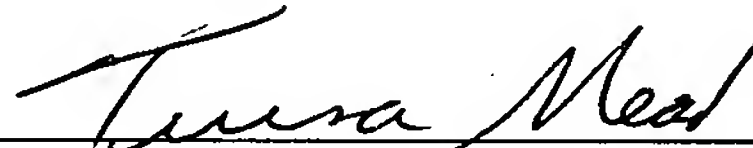
Additionally, we declare that the elements of "a securing system operably coupled to the pillow body" and "a center holding strap extending from the seat that is configured to be placed between the baby's legs so as to extend over at least a portion of the baby's torso and be operably coupled directly to the opposing arms of the pillow body to hold the baby in the seat within the well region, and wherein the center holding strap is sized so as to substantially cover the front of the baby's lower torso and crotch region" are shown in the prototype as the fabric placed between the "baby's" crotch area and the securing mechanism disposed at either side of

the "baby's" waist. Similarly, Fig. 1 shows these elements as "securing system 58," "center holding strap 60," "connectors 62," "mating connectors 64," and "straps 66."

Furthermore, we declare that the element of "a seat coupled to the pillow body and disposed within the well region" is shown in the prototype as the material that extends from the crotch of the "baby," under the "baby" and up its back. This element is shown in Fig. 1 as "fabric pieces 32 and 34."

6. We each declare, individually, that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements, and the like, so made are punishable by a fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 8/17/07

By:   
Teresa Mead

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Susan Ganter

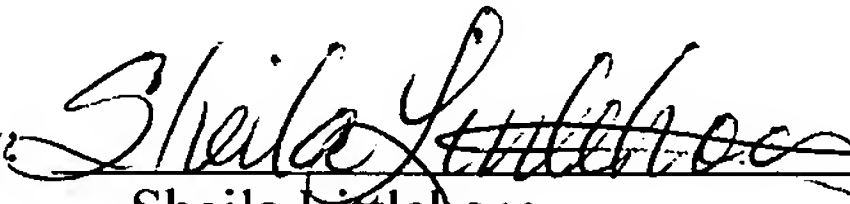
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mike Pogue


Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mary Young

Date: 8/20/07

By:   
Sheila Littlehorn

Date: 8/21/07

By:   
Susan Matthews Brown

Enclosures:  
Exhibits A-C

the "baby's" waist. Similarly, Fig. 1 shows these elements as "securing system 58," "center holding strap 60," "connectors 62," "mating connectors 64," and "straps 66."

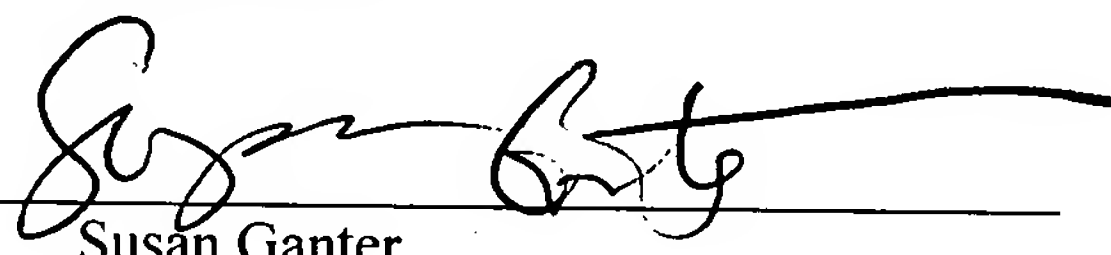
Furthermore, we declare that the element of "a seat coupled to the pillow body and disposed within the well region" is shown in the prototype as the material that extends from the crotch of the "baby," under the "baby" and up its back. This element is shown in Fig. 1 as "fabric pieces 32 and 34."

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Date: \_\_\_\_\_

By: \_\_\_\_\_  
Teresa Mead

Date: 9/19/07

By:   
Susan Ganter

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mike Pogue

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mary Young

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Sheila Littlehorn

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Susan Matthews Brown

Enclosures:  
Exhibits A-C

the "baby's" waist. Similarly, Fig. 1 shows these elements as "securing system 58," "center holding strap 60," "connectors 62," "mating connectors 64," and "straps 66."

Furthermore, we declare that the element of "a seat coupled to the pillow body and disposed within the well region" is shown in the prototype as the material that extends from the crotch of the "baby," under the "baby" and up its back. This element is shown in Fig. 1 as "fabric pieces 32 and 34."

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Date: \_\_\_\_\_

By: \_\_\_\_\_  
Teresa Mead

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Susan Ganter

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mike Pogue

Date: 9/6/2007

By: \_\_\_\_\_  
Mary Young

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Sheila Littlehorn

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Susan Matthews Brown

Enclosures:  
Exhibits A-C

## Exhibit A

Mr. Darin Gibby  
Townsend Townsend and Crew  
1200 Seventeenth Street  
Suite 4700  
Denver, CO 80202

Dear Darin:

This is in regard to a product that we showed to Marcia Costello at Babies R Us/Toys R Us. This product was a Boppy with a restraint to hold baby in place, and a retractable sun shade. We showed this to Marcia on February 14, 2002. She and her boss, Steve, had asked us to show them some new directions and ideas. We showed her a prototype of a product and Clarice and I made the day before. We did not have any details to present with this product, such as pricing. It was simply a concept. I recall that Marcia said, "I like where you're going. Work on it some more and show me a more developed product."

Best regards,

Susan M. Brown  
President



Exhibit B

Best Available Copy



Exhibit C.